

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Willie Lewis Martin, Jr.,)	Civil Action No.: 8:13-763-MGL
)	
Plaintiff,)	
)	
vs.)	ORDER AND OPINION
)	
Tommy B. Edwards; Cathy M. Phillips,)	
)	
Defendants.)	
_____)	

Plaintiff Willie Lewis Martin, Jr. (“Plaintiff”), proceeding, *pro se* and *in forma pauperis*, filed this civil action against Tommy B. Edwards and Cathy M. Phillips (“Defendants”) on March 22, 2013. (ECF No. 1.) Plaintiff complains of alleged constitutional violations that occurred while he was incarcerated in the South Carolina Department of Corrections. In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02(B) D.S.C., this matter was referred to United States Magistrate Judge Kevin F. McDonald for pretrial handling. On April 12, 2013, Magistrate Judge McDonald issued a Report and Recommendation recommending *inter alia* that the Court dismiss Plaintiff’s complaint without prejudice and without issuance of service of process because Defendants are entitled to judicial and quasi-judicial immunity. (ECF No. 14.)

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). The Court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. *Id.* The Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objections are made. Plaintiff was

advised of his right to file objections to the Report and Recommendation. (ECF No. 14 at 6.) On April 17, 2013, Plaintiff filed a letter with the Court which appears to be a form letter he composed to send to attorneys in an effort to obtain counsel (ECF No. 17), but failed to file any objections to the Report and Recommendation and the time for doing so expired on April 29, 2013. In the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

After a careful review of the record, the applicable law, and the Report and Recommendation, the Court finds the Magistrate Judge’s recommendation to be proper. Accordingly, the Report and Recommendation is adopted and incorporated herein by reference and this action is DISMISSED without prejudice and without issuance of service of process.

IT IS SO ORDERED.

/s/Mary G. Lewis
United States District Judge

Spartanburg, South Carolina
May 31, 2013